



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 29, 2005

Elizabeth Neuwirth, Esquire
Murtha Cullina LLP
Whitney Grove Square
Two Whitney Avenue, P.O. Box 704
New Haven, CT 06503-0704

Re: Certificate of Need Determination, Report Number 05-30603-DTR
American Access Care, LLC and American Access Care of Connecticut, LLC
Relationship to an Interventional Radiology Practice in Fairfield, Connecticut

Dear Attorney Neuwirth:

On October 12, 2005, the Office of Health Care Access ("OHCA") initiated a Certificate of Need ("CON") Determination process regarding the establishment of an outpatient vascular access center in Fairfield, Connecticut. On November 8, 2005, OHCA received your response to this inquiry filed on behalf of American Access Care, LLC. Please be advised that OHCA has reviewed this matter and makes the following findings:

1. American Access Care, LLC ("AAC") is entering into a number of contractual relationships with Mel Rosenblatt, M.D., an interventional radiologist licensed to practice medicine in Connecticut, who, through his professional corporation, Connecticut Image Guided Surgery, P.C., (the "Practice") will begin providing vascular access services to end-stage renal disease patients in a new medical office location in Fairfield.
2. On March 14, 2005, OHCA issued a CON determination (under Report Number 05-30446-DTR) to Mel Rosenblatt, M.D. d/b/a Connecticut Image Guided Surgery, P.C. to provide vascular access procedures at 501 Kings Highway East in Fairfield. OHCA determined that Dr. Rosenblatt did not require a CON. Connecticut Image Guided Surgery, P.C. will be providing vascular access services to end stage renal disease patients, thrombolysis, thrombectomy, non-surgical opening of vascular stenotic lesions, fistula maturation, catheter insertion and replacement under fluoroscopy.
3. At the time of the October 12, 2005 inquiry initiation, OHCA was not knowledgeable of the contractual relationship between Dr. Rosenblatt and AAC as it was not disclosed in the CON determination request under Report Number 05-30446-DTR.

An Equal Opportunity Employer

410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688 Fax: (860) 418-7053

4. The legal entity, American Access Care of Connecticut, LLC (“AAC-CT”) has two members, one is AAC and the other is Dr. Rosenblatt. According to the Secretary of State’s website, AAC-CT was incorporated in Connecticut on January 31, 2005.
5. The location will serve only patients of the Practice. The Practice will provide vascular access services to patients referred to it by licensed healthcare providers and all such patients will become patients of the Practice.
6. No AAC related entities will have a provider number. Only the Practice, using its provider number, will bill globally for professional and technical services. No facility fee will be charged.
7. No AAC entity will have any influence with respect to medical decision making or operational matters that will impact patient care. AAC entities are being engaged by the Practice to provide consultation and day-to-day management, *“always subject to advice and direction from Dr. Rosenblatt.”*
8. Patients will continue their ongoing medical relationships with their physicians and their dialysis centers, but will be registered as patients of the Practice upon their initial referral for vascular access services. The patients will have no relationship with AAC or other affiliates, except insofar as they are aware of the billing company’s name on their billing statements.
9. Only the Practice will be responsible and legally liable for patient care, under its own malpractice coverage. No AAC entity has any authority in matters of patient care.
10. The Practice and American Access Care, LLC will be entering into an Administrative Services Agreement with the following pertinent terms:
 - a) AAC will have the following stated responsibilities:
 - i) Prepare budget;
 - ii) Designate and employ a Practice Liaison and employ or retain administrative personnel. All staff shall comply with the Practice’s policies and procedures;
 - iii) Oversee the management information system and perform accounting, finance and other administrative services on behalf of, and for the account of the Practice;
 - iv) Be designated special power of attorney in connection with finance, accounting, and other services;
 - v) Develop and recommend for the Practice’s approval, appropriate operational and quality assurance policies and programs regarding interventional radiology services designed to monitor, measure and improve the quality of services, and shall implement such quality assurance and utilization management programs adopted by the Practice.
 - vi) Be responsible for recommending and developing policies for operation of the Practice, such policies being implemented only after review and approval by the Practice.

- b) The P.C. and the physician shall at all times be ultimately responsible for the provision of interventional radiology services and for the general direction of the activities of AAC. AAC shall not be responsible for any clinical decisions made by the Practice or its clinical staff. The Practice shall request and receive recommendations regarding the administrative operations from AAC and shall duly consider all such recommendations concerning administrative operations.
11. The Practice and American Access Care of Connecticut, LLC. will be entering into a Management Services Agreement, with the following pertinent terms:
- a) The Practice engages American Access Care of Connecticut, LLC (the “Manager”) to provide all necessary space, equipment, non-professional personnel and supplies necessary for the Practice to operate its medical practice.
 - b) The Manager will sublease the Office to the Practice. The Manager will furnish all utilities, building services and building supplies. The Manager will arrange for the equipment, furniture and furnishings (in consult with the Practice).
 - c) The Manager will provide non-professional personnel.
 - d) The Manager shall, on behalf of and in the name of the Practice, coordinate all development and planning processes, and use commercially reasonable efforts in applying for, obtaining and maintaining all fed, state and local licenses and regulatory permits required for or in connection with the operation of the Practice
 - e) The Practice will be the exclusive provider and shall be solely responsible for all medical/clinical treatment rendered to its patients including but not limited to diagnosis and treatment, prescription of drugs, preparation of medical reports, establishment of professional, technical and facility fees for services. Manager shall have no responsibility or authorization with respect to such activities.
 - f) The Practice shall be solely responsible for providing and billing all professional or technical fees. The Manager shall not bill for any such services.
12. The Practice and American Access Care of Connecticut, LLC will be entering into a Business Associate Agreement which has to do with the protection of confidential patient information.
13. The Practice and American Access Care Management Services, LLC (an affiliate of AAC) will be entering into a Billing Services Agreement, wherein AACMS provides routine billing, bill processing, insurance verification and fee collection services. All collected amounts shall be deposited in Physician Practice’s account.

Based on the above findings, OHCA has determined that, based on the information provided to OHCA, American Access Care, LLC and American Access Care of Connecticut, LLC do not appear to be structured as health care facilities or institutions and, as such, are not required to file a Certificate of Need request in regard to their various contractual relationships with Connecticut Image Guided Surgery, P.C. or Mel Rosenblatt, M.D. in Fairfield, Connecticut.

This CON determination is entirely separate from the CON determination acted on by OHCA under Report Number 05-30446-DTR, which was specifically related to the provision of services by Mel Rosenblatt, M.D. d/b/a Connecticut Image Guided Surgery, P.C.

American Access Care and Dr. Rosenblatt should keep OHCA informed of any future changes to the service line at this location or the contractual relationship between the parties. Thank you for your cooperation in this matter and if you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at (860) 418-7001.

Sincerely,

Cristine A. Vogel
Commissioner

CAV:kr

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR